

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JUAN LOPEZ,  
*on behalf of himself, FLSA Collective Plaintiffs  
and the Class,*

**Plaintiff,**

**Case No. 1:20-cv-09113 (LTS) (BCM)**

**-against-**

**[PROPOSED] ORDER**

THERMO TECH MECHANICAL, INC.,  
GOWKARRAN BUDHU, and SHANTI BUDHU

**Defendants.**  
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It is hereby ORDERED as follows:

Plaintiff's motion for partial summary judgment is GRANTED in its entirety.

Specifically,

- 1) Summary judgment is GRANTED in Plaintiff's favor that Defendants are liable to Plaintiff LOPEZ for unpaid wages due to impermissible rounding under 29 C.F.R. § 785.48(b), from October 30, 2017 to May 18, 2028;
- 2) Summary judgment is GRANTED in Plaintiff's favor that Plaintiff LOPEZ is entitled to liquidated damages under the FLSA;
- 3) Summary Judgment is GRANTED in Plaintiff's favor that the three-year FLSA statutory period should be applied in this action;
- 4) Summary judgment is GRANTED in Plaintiff's favor that Individual Defendant GOWKARRAN BUDHU is jointly and severally liable as an employer under the FLSA;
- 5) Summary judgment is GRANTED in Plaintiff's favor that Corporate Defendant THERMO TECH MECHANICAL, INC. is jointly and severally liable as an employer under the FLSA;
- 6) Summary judgment is GRANTED in Plaintiff's favor that Plaintiff was employed by Defendants from June 2016 until July 30, 2018.
- 7) Summary judgment is GRANTED in Plaintiff's favor that from May 21, 2017 – October 12, 2017, Plaintiff's regular hourly rate was \$21.25, and his overtime hourly rate was \$31.875.

- 8) Summary judgment is GRANTED in Plaintiff's favor that from October 13, 2017 – until the end of Plaintiff's employment, Plaintiff's regular hourly rate was \$23.50, and his overtime hourly rate was increased to \$35.25.
- 9) Plaintiff is GRANTED leave for supplemental briefing on the amount of damages and attorney's fees owed to Plaintiff and his attorneys Lee Litigation Group, PLLC.

SO ORDERED

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Hon. Laura Taylor Swain, U.S.D.J.

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Dated